

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

REVIEW PETITION NO.179 OF 2006

IN

WRIT PETITION NO.875 OF 1992

Jaiwantraj Pukhraj Shah : Petitioner.

versus

Mahendra P. Sadh since deceased

through his legal heirs and

representatives :

1. Smt.Roopkumar w/o Mahendra

Sadh and ors. : Respondents.

Mr.S.P.Kanuga for the petitioner.

Mr.K.R.Parekh for Respondent Nos.3(a) to 3(c)

CORAM : D.G.DESHPANDE, J.

DATED : 13th NOVEMBER 2006.

P.C. [IN CHAMBER]

1. Heard learned advocate Mr.Kanuga for the petitioner - original appellant and learned advocate Mr.Parekh for Respondent Nos.3(a) to

3(c) in this Review Petition. The grievance of Mr.Kanuga is that he had raised before the appellate Court a question regarding validity of notice and there is no specific mention about that in the impugned judgment dated 6th November, 2006. The learned advocate for the respondent has no objection to include this sentence in the impugned order dated 6th November 2006. Therefore by consent, the prayer is granted, not in the Review Petition but as to speaking to the minutes. The para 8 of the said impugned judgment dated 6th November 2006 should include the following sentence.

"The point regarding validity of the notice was raised by the appellant before the appellate Court."

In this view of the matter, the Review Petition does not survive. It is disposed of.

2. Office is directed to issue fresh certified copy of the impugned judgment dated 6th November 2006 including the aforesaid sentence in para 8 of the said judgment.

(D.G.DESHPANDE, J)